

**CALIFORNIA COASTAL COMMISSION**

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**W-23**

June 8, 2005

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director  
Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR JUNE 2005

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal related legislation.

Note: This information can be accessed through the Commission's World Wide Web Homepage at  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**Legislative Calendar**

May 20	Last day for policy committees to meet prior to June 6
May 27	Last day for fiscal committees to hear and report first house bills to the floor
June 3	Last day for Senate, Assembly to pass first house bills
June 15	Budget bill must be passed by midnight
July 8	Last day for policy committees to meet and report second house bills
July 15	Summer recess begins on adjournment
Aug. 15	Legislature reconvenes
Aug. 26	Last day for fiscal committees to meet and report second house bills
Aug. 29	Floor session only. No committees may meet through September 9.
Sept. 9	Last day to pass any non-urgency bill

Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

### **PRIORITY LEGISLATION**

#### **AJR 8 (Canciamilla)**

This resolution would urge the Congress of the United States to ratify a treaty on the reduction of sulfur levels in marine fuels, and urge the US Environmental Protection Agency to create the North American Sulfur Emission Control Area.

Introduced	02/15/05
Last Amended	04/21/05
Status	Senate Environmental Quality Committee

#### **AJR 14 (Yee)**

This resolution would encourage members of Congress to support a continuation of the moratorium on new oil and gas leases off the coast of California through 2006 and beyond, and states the Legislature's opposition to the current omnibus energy bill based on the provisions that weaken California's authority over offshore activities, and eliminate the state's role in LNG siting decisions.

Introduced	03/29/05
Last Amended	04/28/05
Status	Senate Committee on Natural Resources and Water

#### **AB 17 (Koretz) Coastal Resources: Litter: receptacles**

This bill no longer creates a prohibition on smoking on State beaches. It has been amended to address waste receptacles under the Integrated Waste Management Act.

Introduced	12/06/04
Last Amended	04/19/05
Status	Senate Rules Committee

#### **AB 328 (DeVore) Crystal Cove State Park: El Morro Mobilehome Village**

This bill would block funding to the Department of Parks and Recreation that has been allocated for the removal of structures and El Morro Mobile Home Park at Crystal Cove State Park, thereby preventing the transition of that facility from private use to a public campground and accompanying habitat restoration.

Introduced	02/18/05
Last Amended	04/07/05
Status	Assembly Water, Parks and Wildlife Committee, bill pulled at author's request.

**Commission Position**   **Oppose**

#### **AB 329 (DeVore) Crystal Cove State Park: El Morro Mobilehome Village**

This bill would allow the tenants at El Morro Mobile Home Park in Orange County to extend their leases with the Department of Parks and Recreation for an additional 40 years, in return for a 50% increase in lease fees, thereby preventing the transition of that facility from private use to a public campground and accompanying habitat restoration.

Introduced	02/18/05
Last Amended	04/013/05
Status	Assembly Water, Parks and Wildlife Committee, bill pulled at author's request.

**Commission Position**   **Oppose**

**AB 771 (Saldana) Coastal resources, California Coastal Commission**

This bill would prohibit the Commission from conducting ex-parte communications with applicants, applicants' agents, or other interested parties, for any matter pending before the California Coastal Commission, including enforcement proceedings and matters pertaining to litigation. A commissioner who knowingly violates these provisions would be subject to a \$7,500 fine.

Introduced	02/18/05
Last Amended	05/03/05
Status	Assembly Floor

**AB 1165 (Bogh) Energy Resources: environmental documents**

This bill would require that any agency with a regulatory program certified pursuant to CEQA, that must make a decision on an energy facility or site, to use the proposed decision of the California Energy Commission, or a committee of the California Energy Commission, that describes the projects analyzes the environmental impacts, and discusses alternatives, prepared by the State Energy Resources Conservation and Development Commissions, in the same manner as it would use an EIR or negative declaration prepared by a lead agency.

Introduced	02/18/05
Last Amended	04/27/05
Status	Assembly Appropriations Committee

**AB 1168 (Saldana) Drinking water standards, boron contamination**

This bill would require the Office of Environmental Health Hazard Assessment, when reviewing an application for a ground water or ocean water desalination facility, to identify potential contaminants and sources of contamination and ensure the safety and effectiveness of the treatment process.

Introduced	02/22/05
Last Amended	04/05/05
Status	Assembly Appropriations Suspense File

**AB 1524 (Laird) Coastal resources: property dedications**

This bill would require the State Coastal Conservancy to accept any Offer to Dedicate a conservation or open space easement within 90 days of its expiration date, if no other accepting entity can be found. This bill would also exempt the SCC acceptance process from General Services review.

Introduced	02/22/05
Last Amended	03/31/05
Status	Assembly Appropriations Suspense File

**AB 1557 (Karnette) California Coastal Commission**

This bill would require the Coastal Commission to notify the Resources Agency within 10 days of receiving evidence of recordation of any Offer to Dedicate real property for public access to or along the coast.

Introduced	02/22/05
Status	Assembly Natural Resources Committee, hearing postponed by committee.

**AB 1612 (Pavley)**

This bill would impose a new tax on every package of cigarettes sold in California for the purpose of funding grants to public agencies and non-profits to conduct education and outreach efforts to educate the public about the impacts of cigarette butts on the environment.

Introduced	02/15/05
Last Amended	04/20/05
Status	Assembly Appropriations Suspense File
<b>Commission Position</b>	<b>Support</b>

**SCR 40 (Lowenthal) Liquefied Natural Gas facilities**

This measure would memorialize the President and Congress to take necessary action to preserve state and local authority over the siting of liquefied natural gas facilities.

Introduced	04/07/05
Last Amended	05/10/05
Status	Senate Energy, Utilities and Communications Committee

**SB 153 (Chesbro) California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006**

This bill would authorize \$3,000,000,000 in General Obligation bonds for the purpose of financing the acquisition, development and preservation of parks, coastal, recreational, cultural and agricultural lands, and other clean air and water projects as specified.

Introduced	02/15/05
Last Amended	04/04/05
Status	Senate Appropriations Committee, Suspense File.

**SB 241 (Margett) Coastal resources, development standards**

This bill would make a technical, non-substantive change to Section 30250 of the Coastal Act.

Introduced	02/15/05
Status	Failed to meet Legislative deadlines.

**SB 306 (Campbell) Property transactions: Sunset Ridge Park**

This bill would permit the director of the Department of Parks and Recreation to lease the property known as Sunset Ridge Park to the City of Newport Beach, without monetary remuneration, for a period not to exceed 25 years. This bill would also require the City to comply with applicable storm water waste discharge requirements issued by the Santa Ana Water Quality Control Board or the State Water Resources Control Board.

Introduced	02/16/05
Last Amended	04/27/05
Status	In Assembly.

**SB 426 (Simitian) Renewable energy**

This bill would require the California Energy Commission to conduct a statewide needs assessment that analyzes the state's projected need for natural gas, including Liquefied Natural Gas, as part of a public process. This bill would also require the Energy Commission, in consultation with the Coastal Commission and other state agencies, to conduct a comparative analysis of the currently proposed sites to assess their relative merits as they relate to public health, environmental constraints and other impacts.

Introduced 02/17/05  
Last Amended 04/13/05  
Status Senate Appropriations Committee, Suspense File.

**Commission Position Support, if amended**

**SB 427 (Hollingsworth) CEQA: exemption: Caltrans**

This bill would exempt the California Department of Transportation from the California Environmental Quality Act for the construction of any overpass, underpass or off ramp that is built on an existing Caltrans right-of-way.

Introduced 02/17/05  
Last Amended 04/25/05  
Status Senate Environmental Quality Committee. Hearing cancelled at request of author.

**SB 575 (Torlakson) Housing development projects**

This bill would revise the conditions under which a local agency may approve, deny, or approve with conditions, a housing project for very low, low, or moderate income households, including farm worker housing. Under existing law, a local agency may deny a housing project, as defined, if its housing element is in substantial compliance with state law, and is meeting its share of regional housing needs. This bill would delete that provision. Existing law specifies that nothing in the relevant sections of the statute exempts local governments from complying with the Coastal Act.

Introduced 02/18/05  
Last Amended 03/29/05  
Status Assembly Local Government Committee

**SB 606 (Kehoe) Lifeguards**

This bill authorize the State Personnel Board to exempt lifeguards from basic training requirements established by the Commission on Peace Officers Standards and Training.

Introduced 02/15/05  
Last amended 04/06/05  
Status Senate Appropriations Committee, Suspense File.

**SB 658 (Kuehl) State Coastal Conservancy: local grants**

This bill would establish the Coastal Environment Motor Vehicle Mitigation Program, which would authorize the State Coastal Conservancy (SCC) to request that the Department of Motor Vehicles collect up to \$6 per vehicle registration fee for vehicles registered in participating jurisdictions. The bill would authorize the SCC to disburse grants to participating jurisdictions for projects that mitigate, reduce, remediate or prevent environmental impacts from motor vehicles and their associated infrastructure.

Introduced 02/22/05  
Last Amended 04/21/05  
Status Senate Appropriations Committee, Suspense File.

**SB 695 (Kehoe) Conservation easement registry**

This bill would require the Secretary for Resources to create a central, public registry of conservation easements, updated biannually, for the purpose of monitoring conservation easements.

Introduced	02/23/05
Last Amended	05/18/05
Status	Senate Floor.

**SB 742 (Chesbro) Tidelands: City of Eureka**

This bill would eliminate the existing requirement for the City of Eureka to make annual payments to the State Controller from funds deposited into the Humboldt Bay Fund, for state tidelands and submerged lands held in trust by the city.

Introduced	02/15/05
Status	Assembly Natural Resources Committee

**SB 768 (Simitian) Marine finfish aquaculture**

This bill would prohibit any person from engaging in finfish aquaculture without a permit from the Fish and Game Commission. It would also require that a final programmatic EIR prepared for a coastal marine finfish aquaculture project and approved by the Fish and Game Commission includes an analysis of specific impacts, and that it ensures that marine finfish aquaculture is managed in a sustainable manner. The bill would set standards for finfish aquaculture leases.

Introduced	02/22/05
Last Amended	05/03/05
Status	Senate Appropriations Committee, Suspense File

**SB 771 (Simitian) Ocean going ships**

This bill would extend the ban on onboard incineration on cruise ships to all ocean-going vessels. This bill would also extend the regulations pertaining to discharges of sewage, sewage sludge, gray water, oily bilge water, hazardous wastes and other wastes from cruise ships to all ocean-going vessels in marine sanctuaries.

Introduced	02/22/05
Last Amended	05/04/05
Status	Senate Appropriations Committee, Suspense File

**SB 857 (Kuehl)**

This bill would require California Department of Transportation to conduct submit an annual report to the Legislature detailing the extent and location of impediments to anadromous fish passage in culverts and other stream crossings within the jurisdiction of Caltrans. The bill would require all new project built by Caltrans to not create new barriers for fish passage.

Introduced	02/15/05
Last Amended	05/10/05
Status	Senate Floor

**SB 929 (Kehoe) California Coastal Act: administrative actions**

This bill would require any lobbyist doing business with the Commission to register as a lobbyist with the Secretary of State, and disclose all payments and all expenditures, in accordance with the Political Reform Act of 1974.

Introduced 02/22/05  
Last Amended 05/03/05  
Status Senate Floor

**SB 942 (Chesbro) Cigarettes: pollution: litter**

This bill would enact the Cigarette Pollution and Litter Prevention Act of 2005, by requiring the manufacturers of cigarettes to pay a specified fee to the Board of Equalization for every package of cigarettes sold in the state. The fees would be deposited into a special fund in the state Treasury, and appropriated to the Department of Conservation and the Department of Health Services for grants to offset the costs to local and state agencies for programs that reduce and/or prevent cigarette-related litter. (*Analysis and Bill attached.*)

Introduced 02/22/05  
Last Amended 05/04/05  
Status Senate Appropriations Committee, Suspense File  
**Commission Position Recommend Support**

**SB 956 (Simitian) Coast and Ocean Stewardship Act**

This bill would authorize the Board of Equalization to collect a \$1 per night surcharge on all overnight stays in coastal and Bay Area counties, for the purpose of funding implementation of the Coastal Act, McAteer-Petris Act, Marine Life Management Act and Marine Life Protection Act.

Introduced 02/22/05  
Last Amended 04/25/05  
Status Senate Natural Resources Committee, held in committee.  
**Commission Position Support**

**SB 960 (Simitian) Tidelands: exchange: City of Santa Cruz**

This bill would make it easier for certain private parties to file “quiet title” actions on disputed tidelands and submerged lands within the City of Santa Cruz.

Introduced 02/22/05  
Last Amended 04/21/05  
Status Senate Appropriations Committee.

**SB 1003 (Escutia)**

This bill would designate the California Energy Commission as the only state agency with permitting authority over Liquefied Natural Gas (LNG) terminals in California. This bill is double-joined with SB 426 (Simitian).

Introduced 02/15/05  
Last Amended 04/13/05  
Status Senate Appropriations Committee, Suspense File  
Commission Position Oppose unless amended

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**BILL ANALYSIS; SB 942 (Chesbro)**

(Staff recommends the Commission **Support** SB 942)

**SUMMARY**

This bill would enact the Cigarette Pollution and Litter Prevention Act of 2005 and would require cigarette manufacturers to pay a fee to the State Board of Equalization for each package of cigarettes sold in the state.

Revenues would be used to offset public agency costs associated with the cleanup of cigarette-related pollution and litter, to develop and implement public education and outreach programs, and to assist individuals to access and utilize smoking cessation services.

**PURPOSE OF THE BILL**

The purpose of this bill is to impose a new fee on the wholesale distribution of cigarettes, for the purpose of funding litter awareness programs, clean up efforts public education efforts that highlight the impacts of cigarette butts in the environment.

**EXISTING LAW**

Existing law, the Cigarette and Tobacco Products Tax Law, imposes a tax on every retail distributor of cigarettes and tobacco products, including additional taxes imposed under the California Families and Children Act of 1998 (Proposition 10), and the Tobacco Tax and Health Protection Act of 1988.

**LEGISLATIVE HISTORY**

This bill is similar to AB 1612 (Pavley) which the Coastal Commission supports. This bill differs in the method of accounting for the fees imposed on manufacturers, and the percentage of allocation to state and local agencies, non profit organizations and direct department costs.

**ANALYSIS**

Reports by Caltrans, Keep America Beautiful, and the Coastal Commission's own data collected annually through Coastal Clean Up Day indicates that cigarette butts are by far the most prevalent item of beach litter, accounting for as much as 20% of all materials collected.

The Commission currently funds its Coastal Clean Up Day activities through Whale Tail license plate fees (California Coast and Beach Enhancement Account) and private donations. This bill would provide another funding source to offset costs, which could potentially allow for a greater percentage of CCBEA funds to be expended on the Commission's oversubscribed public education grant program, as the Commission would be eligible to apply for funding.

In addition to being an eyesore and a nuisance, cigarette butts in the marine environment pose a risk to human and environmental health. Filters are made of cellulose acetate, a plastic that is slow to biodegrade. The Commission is well versed in the harmful effects of plastics in the marine environment, but cigarette butts have additional health risks. Because cigarette filters are designed to trap and retain the most toxic elements of tobacco, discarded butts represent the most highly concentrated source of toxins in the smoking ritual. Floating in the marine environment, they continue to trap and retain environmental pollutants, rendering them floating tidbits of chemical poisons. When ingested by birds, fish, turtles and marine mammals, they not only displace appropriate nutritional foods, they can cause illness or death.

The bill's sponsor, The American Lung Association, reports that cigarette usage in California has declined 60% in the last 15 years, due to of combination of price increases, advertising regulations and aggressive public education programs. An ancillary goal of the bill is to further reduce smoking. While it is not clear that this goal will be met, (the Assembly Revenue and Tax committee raised concerns over tax evasion on the part of manufacturers) the bill will provide funding for additional public education, outreach and smoking cessation



activities. However, even if additional costs do not provide a disincentive, increased public awareness may well discourage smoking and/or encourage responsible disposal of cigarette butts.

The “polluter pays” principle has been successfully implemented in other manufacturing sectors. Fees collected from the manufacturers of tires, soft drinks, motor oil and specified electronic devices are used to fund the appropriate disposal/recycling of those products.

#### **SUPPORT/OPPOSITION**

##### Support:

American Heart Association  
American Lung Association of California  
Californians Against Waste  
City of Calabasas  
League of California Cities  
Natural Resources Defense Council  
Sierra Club California

##### Opposition:

California Alliance for Consumer Protection  
California Chamber of Commerce  
California Manufacturers and Technology Association  
Howard Jarvis Taxpayers Association  
Lorillard Tobacco Company

#### **RECOMMENDED POSITION**

Staff recommends the Commission **Support SB 942.**

#### **LEGISLATIVE STAFF CONTACT**

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